

Report to the Council

Committee: Constitution Working Group (Councillor M McEwen)

Date: 25 April 2019

1. DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE AND AREA PLANS SUB-COMMITTEES - SITE VISITS

Recommending:

- (1) That the operation of the trial arrangements for the agreement of formal site visits with regard to planning applications listed in agenda for meetings of the Area Plans Sub-Committees, be implemented on a permanent basis with effect from the commencement of the 2019/20 municipal year;**
- (2) That, in circumstances where an application that has been subject to a formal site visit by members of one of the Area Plans Sub-Committees is subsequently referred to the District Development Management Committee for determination, a further site visit be arranged for members of the District Development Management Committee prior to its consideration of the application;**
- (3) That, in addition to being agreed at a meeting of the District Development Management Committee in respect of any planning application listed in an agenda for a meeting of the Committee, the holding of formal site visits by members of the District Development Management Committee be approved by the Chairman of the Committee on the recommendation of the Service Director (Planning Services);**
- (4) That, subject to the agreement of (1) to (3) above, the Monitoring Officer be authorised to revise Article 10 (District Development Management Committee and Area Plans Sub-Committees)) of the Constitution accordingly; and**
- (5) That the following matters be added to the ongoing work programme of the Constitution Working Group:**
 - (a) the consideration of possible arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination; and**
 - (b) the review of existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.**

Site Visits – Area Plans Sub-Committees

- 1. The Council has longstanding arrangements whereby formal member site visits**

may be undertaken in respect of any site subject of a current planning application, where this offers a substantial benefit to the decision-making process. No discussion with interested parties as to the merit of the development proposal is permitted at any time during a site visit.

2. At its meeting on 20 February 2018, the Working Group agreed that trial arrangements be introduced for the agreement of site visits in respect of planning applications listed in an agenda for meetings of the Area Plans Sub-Committees, prior to the consideration of the application. This arrangement was introduced with effect from 30 May 2018 and has since been operated on a trial basis. All agenda for meetings of the Area Plans Sub-Committees since May 2018 have contained a standard item relating to the identification and agreement of potential site visits.
3. We have recently reviewed the operation of the trial arrangements for the agreement of formal site visits by the Area Plans Sub-Committees and recommend the adoption of these arrangements on a permanent basis. We understand that, in general, the operation of the trial arrangement has worked effectively and that they have assisted in ensuring the timely management of meetings of the sub-committees and that, as a result, registered speakers and other persons present at meetings have not had to await the consideration of specific applications through often lengthy agenda, for the determination of development proposals to be deferred for the holding of a site visit.
4. The Service Director (Planning Services) supports the adoption of the trial arrangements for the identification of site visit requirements on a permanent basis and has advised the Working Group that these arrangements have led to increased efficiency in the conduct of business by the Area Plans Sub-Committees. We understand that a small increase in the overall number of site visits requested by the Area Plans Sub-Committees since May 2018 has been identified and that the noticeable changes in this respect have been in relation to Area Plans Sub-Committee South, which previously very rarely requested member site visits.
5. However, we understand that on occasion, lengthy debate has arisen around the appropriateness of site visits proposed under the trial arrangement, that may have negated the operational effectiveness of the identification of site visit requirements prior to the consideration of the relevant planning application. However, we do not believe that it is appropriate for proposals for site visits to be voted upon without debate as to the specific merits of such site visit and that the management of such matters should therefore remain subject to the control of the chairman of the sub-committee.

Site Visits - District Development Management Committee

6. The trial arrangements for the identification of site visits apply only to agenda for meetings of the Area Plans Sub-Committees and not to the District Development Management Committee.
7. However, in circumstances where an application that has been subject to a formal site visit by members of one of the Area Plans Sub-Committees is subsequently referred to the District Development Management Committee for determination, we consider that a further site visit should be arranged for members of the District Development Management Committee prior to its consideration of the application, in order that members have the same

opportunity of familiarisation with the application site. Dependent on the period of time arising between the consideration of relevant applications by an Area Plans Sub-Committee and the District Development Management Committee, we recognise that the holding of such further site visits might present a delay in the determination of applications.

8. The adoption of this approach as part of the review of the trial arrangements for the identification of site visit requirements is supported by the Chairman and Vice-Chairman of the District Development Management Committee and the Service Director (Planning Services). We do not propose that the trial arrangements for the identification of site visits be extended to agenda for meetings of the District Development Management Committee. However, we would remind the Council that the holding of site visits on any application before the Committee for determination, can still be agreed by resolution of a majority of members of the Committee present at a meeting.
9. The Constitution (Article 10 (District Development Management Committee and Area Plans Sub-Committees)) provides that, in addition to being agreed at a meeting of a Sub-Committee in respect of any planning application listed in an agenda for a meeting, the holding of formal site visits may also be approved by the Chairman of the Sub-Committee on the recommendation of the Service Director (Planning Services). In order to ensure consistency of approach, we recommend that this arrangement should also apply to applications to be considered by the District Development Management Committee.

Planning Applications – Council

10. Planning applications are occasionally referred to the Council for determination (either by minority reference from the District Development Management Committee or other constitutional requirement). At present no arrangements are in place for site visits to be held (where appropriate) by members of the Council in these circumstances. We therefore recommend that the consideration of possible arrangements for formal site visits to be held with regard to planning applications referred to the Council for determination, be added to the ongoing work programme of the Working Group.
11. We understand that the Council's existing arrangements for public speaking at meetings of the District Development Management Committee and the Area Plans Sub-Committees do not extend to planning applications considered by the Council, other than (Constitution Rule P2) in respect of applications submitted directly to a Council meeting without prior consideration by the District Development Management Committee and/or an Area Plans Sub-Committee.
12. In order to ensure consistency of approach with regard to arrangements for public speaking in relation to planning applications, we therefore also consider that the Working Group should be authorised to review existing arrangements within the Constitution whereby planning applications referred to the Council for determination are not generally subject to arrangements for public speaking.
13. We recommend as set out at the commencement of this report.